REMARKS

Claims 2, 4, 6, 7, 9, 11 and 13-34 are pending in the application. Claims 6, 13, 17 and 20 are written in independent form. By this Amendment, claims 1, 3, 5, 8, 10, 12 and 35-68 are cancelled without prejudice or disclaimer. Claims 2, 4, 6, 7, 9, 11, 13-15, 17, 20, 22, 23, 27 and 28 are amended. As the claims are amended to rewrite the allowable claims in independent form, no new matter is added that would require further consideration and/or search.

I. Allowable Subject Matter

Claims 6, 13, 17 and 20 are indicated as being allowable if amended to address the rejections under 35 USC §112 and if rewritten in independent form. As claims 6, 13, 17 and 20 are rewritten in independent form and the rejections under 35 USC §112 are addressed herein below, 6, 13, 17 and 20, as well as their dependent claims, are in condition for allowance.

II. Claim Rejection Under 35 U.S.C. §112

The Examiner rejects claims 1-34 are rejected under 35 U.S.C. §112, first paragraph, for allegedly failing to comply with the written description requirement. As claims 1, 3, 5, 8, 10 and 12 are cancelled, the rejection of those claims is moot. The rejection of the remaining pending claims is respectfully traversed.

It is alleged in the Office Action that the recitation of a receiver housed "outside of the commercial product" is new matter. It is also alleged that the Examiner can find no support in the specification for that claim language.

It appears from the Examiner's comments that the Examiner does not have a clear understanding of the claimed subject matter. Applicants refer the Examiner to Fig. 1, for example, which clearly shows the receiver 6 housed in the mounting component 3. Thus, both the receiver and the mounting

component are clearly "outside of the commercial product" 200 (see page 13, paragraphs 1 and 2).

It is also alleged in the Office Action that Figs. 1, 3A-3C and 5 all show the "receiver internally housed." Figs. 1 and 3A-3C clearly show the receiver 6 housed in the mounting component 3 which is outside of the product 200. In Fig. 5, the receiver 6 is shown as being attached to the bracket 2 by a connector cable 4 which components are all outside of the product 200. Thus, the requirements of 35 USC §112, first paragraph, are met. As such, withdrawal of the rejection is respectfully requested.

Claim 22 is rejected under 35 U.S.C. §112, second paragraph, for allegedly failing to distinctly claim the subject matter which Applicant believes to be the invention. The rejection is respectfully traversed.

As claim 22 is amended to correct the antecedent basis issue withdrawal of the rejection is respectfully requested.

III. Claim Rejections on Prior Art Grounds

Claims 1-5, 7-12, 14-16, 18, 19 21-64 and 66-68 are rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent 5,910,768 to Ott in view of US Patent 5,955,948 to Howell and US Patent Application Publication 2001/0028295 to Brinkmeyer, et al. (Brinkmeyer). The rejection is respectfully traversed.

As all of the pending claims recite allowable subject matter, the combination of references fails to render the rejected claims obvious.

Further, in rejecting the claims, the Examiner alleges that "since Applicant has claimed the receiver being both internally and externally housed, that in view of *In re Coole*, the claimed limitations lack criticality since the

device will function exactly the same regardless of the location of the receiver, and therefore would have been obvious to one of ordinary skill in the art."

Applicant submits that there is no recitation in the claims of the receiver being both internally and externally housed. Rather, as discussed above, the receiver is claimed as being housed in the security unit outside of the commercial product. Further, the Examiner's reliance on *In re Coole* is improper as the Examiner provides no citation of the case to allow for review of the holding of the court. Moreover, a search for *In re Coole* only revealed a bankruptcy case *(In re Coole, 202 B.R. 518, 519 (Bankr.D.N.M.1996)*. As the bankruptcy case provides no support for the rejection under obviousness, the rejection is improper.

The Examiner also contends that "to be entitled to weight in method claims, recited structural limitations must affect the method in a manipulative sense and not amount to mere claiming of a use of a particular structure" citing *Ex parte Pfeiffer*, 135 USPQ 31 (BPAI 1961). While the Examiner's contention may hold for method claims, the holding does not relate to the pending device claims. Moreover, as the pending method claims do not amount to a "mere claiming of a use of a particular structure," the holding of *Ex parte Pfeiffer* is not applicable to the pending method claims.

Further, it is admitted in the Office Action that Ott fails to disclose deactivating and activating a receiver as claimed. In an effort to overcome the admitted deficiencies, it is alleged that Howell teaches the admitted deficiency and that it would have been obvious to one of ordinary skill in the art, at the time of the invention to modify Ott to include the purse receiver means 40 of Howell, the purse receiver means 40 being alleged to correspond to the claimed "receiver."

It is alleged that Howell discloses that an alarm is deactivated. It appears from the passages cited by the Examiner that the Examiner contends Howell discloses deactivating alarm because an output signal of the receiver 40 is forwarded to reset inputs CLR, R of the latches 50, 52. However, the process of receiving a signal by the receiver 40 does not necessarily lead to deactivation of the receiver 40. In Howell, the signal received by the receiver 40 is forwarded to other system components (e.g., latches 50, 52). Thus, only the latches 50, 52 are influenced by the received signal because the latches are reset upon receipt of the signal. Consequently, the mere receipt of signals forwarded to the latches 50, 52 does not influence the receiver at all. For example, the receiver is not deactivated upon receiving signals because the receiver continues operation as evidenced by its continued draw of power. As stated in Howell, the purse alarm is adapted to emit an audible alarm during receipt of the activation signal. The purse alarm also includes a silent switch capable of precluding transmission of the activation signal.

Thus, Howell does not disclose or suggest, deactivating, in the monitoring mode, a receiver. Rather, Howell only discloses precluding transmission of an activation signal by the purse transmitter 46 (col. 4, lines 45-54). See also Fig. 3 which shows that the audible alarm is merely disconnected due to the movement of the switch 44. There is nothing in the figure to indicate that the receiver 40 is deactivated.

According to the schematic diagrams of Figs. 3 and 4, only the transmitters 46 and 72 are provided with a separate control signal "TX Enable" that selectively enable and disables the transmitters 46, 72. Further, the "TX Enable" signals are shown to only control the operation of the transmitters 46, 72 during their active state. Also, as clearly shown in the schematic diagrams, the receivers 40, 66 have no control input for "enable signals" which would deactivate the receivers. On the contrary, for proper operation of the Howell

device, it appears the receivers 40, 66 must be active at all times for the radio control procedure and alarm signals to work. Accordingly, Howell fails to disclose or suggest the feature as alleged in the Office Action.

It is also alleged that Brinkmeyer teaches the general concept of activating a wireless receiver only when it is needed to conserve power and that it would have been obvious at the time of the invention to modify Howell according to the teachings of Brinkmeyer.

Brinkmeyer relates to an electronic vehicle key that has a radio receiver to receive radio call information from a control center to authorize use of the key for "debit" and "credit" events such as engine starting, door opening, refueling, and the like (paragraphs [0007]-[0010]).

Modifying the receiver 40 of Howell according to the energy saving deactivation process of Brinkmeyer would result in the receiver deactivating itself and therefore not be able to receive signals at all thereby rendering receiver 40 useless for its intended purpose. For example, were the purse alarm of Howell modified as suggested, if a user wanted to open the purse without triggering the alarm during a deactivation phase of the receiver, the user would press the reset button of the remote control as taught by Brinkmeyer. A corresponding signal would be transmitted from the remote control to the receiver 40 but would not be received by the receiver 40 because the receiver would have been deactivated beforehand. Thus, the user could not disarm the purse protecting device of Howell if the receiver is deceived as taught by Brinkmeyer.

As there is no motivation or suggestion to combine Brinkmeyer with Ott and Howell, and because Howell fails to disclose or suggest the features as alleged in the Office Action, withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Fitzpatrick, 41,018, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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By _____
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